IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.561 OF 2007

1.Mrs.Dharmishtha Prakashbhai Rajput
2.Prakashbhai Amarsingh Rajput ...Applicants.
V/s.
The State of Maharashtra ...Respondent.

Shri J.B.Kotecha, adv. for the Applicants.
Shri U.V.Nikam, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 22nd February, 2007.

P.C.:

1. Heard Mr.Kocheta, the learned counsel for the applicants and Mr.Nikam, the learned APP for the State.

2. The applicants seek anticipatory bail in Crime No.449 of 2006 registered at Sahakar Nagar Police Station for the offences punishable under Sections 420, 406 read with Section 34 of the I.P.C. on the report lodged by the complainant Mrs.Kalpana Gopal More. Perused the relevant document filed alongwith the application.

3. It appears that the present applicants wanted to dispose off their flat as they needed money because their son was to go to U.S.A. for flight training. In response to an advertisement, the complainant came

forward to purchase the flat. After negotiations, Mr.Gopal More, who is an advocate and who is the husband of the complainant, agreed to purchase the flat for Rs.9,41,000/- in the name of his wife. Agreement was executed on 28-5-2006 and the complainant paid an amount of Rs.51,000/- as earnest money. The balance amount was to be paid within 90 days and then sole transaction was to be completed. It appears that after that there was exchange of notices between the parties about the supply of certain documents. Both the parties were insisting that other party was at fault in not complying with the terms of the contract. After that the first informant lodged the report with the police on 18th October, 2006 on the basis of which the offence came to be registered. The learned counsel for the applicants makes a statement that if the balance amount of consideration is paid by the complainant, the applicants are willing to execute the sale deed and to hand over the possession of flat even now. In view of this statement, there should not be any dispute between the parties. Any how taking into consideration the circumstances noted in the F.I.R. as well as the bunch of documents filed with the present application, this appears to be a civil dispute. Custodial interrogation of the applicants is not at all necessary.

4. For the aforesaid reasons, in the event of arrest in Crime No.449 of 2006, the applicants Mrs.Dharmishtha Prakashbhai Rajput and Prakashbhai Amarsingh Rajput be released on their executing P.R.Bond of Rs.5,000/- each with a surety in the like amount with the condition that they shall fully co-operate with the police in the investigation of the case and shall also appear before the police as and when required during the day time for the purpose of interrogation.

5. Application stands disposed off.

(J.H.Bhatia,J.)